

**Statement of Michael Anderson, Senior Resource Analyst for
The Wilderness Society**

**Before the U.S. House of Representatives Committee on Resources
Subcommittee on Forests and Forest Health**

**Hearing on Community-based Land Management
and Charter Forests**

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The Wilderness Society appreciates this opportunity to testify on charter forests and collaborative projects. The Wilderness Society is a national environmental organization with 200,000 members and eight regional offices. Founded in 1935, The Wilderness Society works to protect America's wilderness and develop a nationwide network of wildlands through public education, scientific analysis, and advocacy. I have worked for The Society as a research analyst since 1985, primarily on national forest policy and planning issues.

Charter Forests

Like many other environmental organizations, The Wilderness Society is very skeptical of the Bush administration's recent proposal in the Forest Service budget to establish charter forests. The administration has told us little about what charter forests are supposed to be - only that they will be controlled by "local trust entities" instead of the Forest Service, and that decision-making somehow will be "streamlined" to overcome bureaucratic inertia. However, charter forest proposals have surfaced in a few places, providing some clues about where the administration is headed. From all indications, charter forests would aim to weaken or eliminate environmental safeguards and public participation, while promoting logging and other commodity uses of the national forests.

A case in point is a proposal by the Idaho Federal Lands Task Force to create five pilot projects that would give local and state officials control over nearly half of Idaho's national forests. One of those pilots, the Central Idaho Ecosystem Trust, would cover 5.8 million acres, including all or parts of the Boise, Payette, Sawtooth, and Salmon-Challis National Forests. The goal of the trust would be "to provide revenue, net of operating expenses, for the beneficiaries each year, generated in a manner that recognizes public values and is sustainable over the long term." This kind of goal might sound fine to a private timberland corporation shareholder, but certainly not to the vast majority of Americans, whose paramount goals for the national forests are to provide high-quality water, wildlife habitat, non-motorized recreation, and wilderness.

Idaho's charter forest proposal illustrates how fundamentally inconsistent the charter forest concept is with the laws governing the national forests. For example, the Multiple Use-Sustained Yield Act requires the Forest Service to manage the national forests to "best meet the needs of the American people" - not to provide revenue for local trust beneficiaries. 16 U.S.C. § 531(a). Similarly, the Forest and Rangeland Renewable Resources Planning Act defines the national forests as federal lands "united into a nationally significant system dedicated to the long-term benefit for present and future generations." 16 U.S.C. § 1609(a). Establishing charter forests, on the other hand, would break apart the National Forest System, assigning responsibility for determining the goals, purposes, and management activities on the land to local interests.

The Idaho Task Force proposal provides some alarming insight into how the administration would "streamline" decision-making and eliminate "analysis paralysis" in a charter forest. In the Central Idaho Ecosystem Trust, the Forest Service would only have to prepare a single environmental assessment on a management plan once a year for all projects planned in the coming year. No further environmental review and public involvement would be required for projects, except for interagency consultation on endangered species and for projects not listed in the annual plan. Citizens could appeal the annual plans, but not the timber sales or other management projects. This means there would be essentially no evaluation of site-specific environmental impacts or formal opportunity to comment on or appeal most logging and other management activities in the national forests of central Idaho, where some of the most erosion-prone lands in the nation are located. At a minimum, these aspects of the Idaho plan would violate the National Environmental Policy Act and the Appeals Reform Act.

A key environmental concern about the state's proposal is that Idaho's national forests provide critical spawning habitat for salmon and steelhead that migrate through the Snake and Columbia Rivers to the Pacific Ocean. Those anadromous fish are vitally important to commercial and sport fishermen, the tourism industry, Indian tribes, and the general public in Oregon, Washington, and elsewhere, far beyond the Idaho border. Yet, the State of Idaho and local interests would presume to balance the salmon habitat protection interests of all Americans with the logging, grazing, and mining interests of local residents.

The Idaho Trust's revenue-generating goal provides an incentive to liquidate natural assets (like big trees enhancing fish and wildlife habitat) to provide short term, one-time cash gains at the ecosystems' expense. Furthermore, while local residents would essentially take control of national forests in the Central Idaho Ecosystem Trust, the U.S. Treasury would still be expected to foot the bill for fire-fighting costs and other "landowner obligations." So much for the notion that charter forests would be a beneficial experiment in free-market decision-making.

An even more radical charter forest proposal has surfaced in Moffat County, Colorado. The Northwest Colorado Working Landscape Trust would be run by a seven-person board, all selected by the local county commissioners and the governor. The Trust would govern all federal lands in the county, including national parks.

The Colorado proposal is blatantly anti-wilderness and unconstitutional. It goes so far as to state, "Congress shall not designate any new wilderness areas in Moffat County, and release all existing Wilderness Study Areas to management through the Trust." It would also bar dissatisfied citizens from using the court system to challenge Trust management actions.

In addition to our objections to these specific proposals, The Wilderness Society also strongly disagrees with the underlying premise and political agenda espoused by some leading proponents of charter forests. For example, in his recent book *This Sovereign Land*, Dan Kemmis from the University of Montana argues for charter forest-style "pilot projects" as the first step toward wholesale devolution of federal public land management to local interests. Under such a scheme, national forests would become more like state and county forests, often run by local boards dominated by commercial interests and hostile to the environmental values of most Americans.

The national forests are a cherished part of America's natural landscape and social fabric. Currently, the Forest Service must abide by various federal laws, policies, and plans to protect fish habitat and other environmental values in all the national forests of Idaho, Colorado, and 42 other states. Since these are

federal public lands, the agency must consider the interests and concerns of all Americans, including future generations, in determining appropriate management. However, under a charter forest or trust arrangement, local interests and concerns would take priority, and non-local viewpoints inevitably would take a back seat. Turning national forests into charter forests to be managed by local boards for local interests is a fundamentally flawed idea that will never fly with the American people.

Collaborative Projects

During the past decade, federal land and resource management has increasingly been shaped by community-based partnerships and other collaborative groups. Recognizing the growing significance of and controversy about these groups, The Wilderness Society last year joined with the National Audubon Society and the University of Virginia's Institute for Environmental Negotiation in publishing a guide to collaboration for environmental advocates. I was a contributing editor of the guide.

In reviewing environmentalists' experience with collaborative groups for this guide, we found that environmentalists' views toward collaboration are highly variable. Some people consider collaborative groups and processes to be inherently undemocratic, unaccountable, and contrary to the public interest. Others see collaboration as a way to build new alliances and accomplish environmental objectives that could not be accomplished otherwise. Nearly everyone agrees, though, that under no circumstances should collaboration be used to undercut existing law and environmental safeguards or exclude legitimate interests.

We also found that even the best collaborative processes tend to be very time-consuming, as participants search for common ground and consensus. Some environmentalists question the value of devoting their energy and scarce resources to what may appear to them to be an unstructured and unending quagmire. In any event, collaboration is probably not the key to speeding up decisions, cutting red tape, or increasing efficiency in federal land management. Existing public participation and planning processes - while often frustrating - at least are somewhat reliable and well understood.

Mr. Chairman, in your invitation letter you asked me to describe the community-based projects in which I am involved. I have been a member of a promising collaborative effort in Lakeview, Oregon for the past three years. The Lakeview working group consists of representatives from the timber industry, schools, county government, and others in the local community, as well as regional and national environmental organizations. The impetus for the collaborative effort was the Forest Service's review of the Lakeview Federal Sustained Yield Unit (now called the Lakeview Federal Stewardship Unit) and the local community's desire to modernize and reauthorize the Unit. Our collaborative group works closely and cooperatively with the Forest Service on restoring parts of the Fremont National Forest, within the framework of existing federal laws and management plans. I am not testifying today on behalf of the Lakeview working group, and my views do not necessarily reflect those of other members of the group.

In general, I believe it would be a serious mistake for Congress or the administration to attempt to formalize community-based partnerships or collaborative efforts. Collaborative groups can function effectively and creatively as informal advisors to the federal land managers, complementing - rather than replacing - public participation laws and processes. Collaborative groups need to be able to develop their own rules and procedures, based on their unique make-up. However, I think there are several ways Congress and the administration can and should encourage the positive work of broad-based, inclusive collaborative groups.

Recommendations

First, do not promote legislation on charter forests or collaborative processes - even on an experimental or pilot basis. Any effort to turn over control of federal lands to local interests would be extremely divisive and polarizing. Such legislation or administrative initiative would inevitably lead to environmental boycotts of collaborative efforts and further gridlock of federal land management. The National Forest Management Act already provides adequate legal authority for the Forest Service to establish advisory committees, which may be appropriate in some situations.

Second, additional funds should be appropriated for watershed restoration and monitoring projects. Restoration and monitoring of federal lands traditionally have been hampered by severe shortage of funding. However, these activities hold the greatest promise for gaining broad-based collaborative support and energy. In Lakeview, we found that the Forest Service had planned many restoration projects but could not implement them due to lack of funds. Some money has become available for restoration and monitoring this year through the federal county payments Title II program adopted by Congress in 2000, but more funds are needed to achieve on-the-ground results.

Third, funding is also needed to help collaborative groups operate effectively and to train local workers in restoration-oriented job skills. The Lakeview collaboration has been facilitated by Sustainable Northwest, a non-profit organization headquartered in Portland, Oregon that provides resources and services to rural community-based partnerships. Lakeview community leaders recently formed a non-profit, called the Lake County Resources Initiative, to help local workers take advantage of opportunities in ecosystem restoration and community economic development. A competitive federal grant program targeted at entities like these would certainly boost local collaborative efforts.

Fourth, since collaborative stewardship is a relatively new and decentralized phenomenon, participants would benefit from better access to information about the efforts and experiences of other groups. Information-sharing can be accomplished through conferences, publications, and hearings (like this one). Funding for this purpose could be made through appropriations to federal land agencies or grants to non-profits.

Conclusion

The Wilderness Society strongly recommends that Congress and the administration steer clear of the charter forest concept. Instead, policy-makers should focus on ways to help collaborative groups and federal land managers succeed in putting people to work restoring the ecological integrity of public lands, for the benefit of all Americans.